IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 9 OF 2007
IN
WRIT PETITION NO. 113 OF 2006

MR. RAYMOND B. MASCARENHAS AND ANR., ... Petitioners

Versus

SMT. GUILHERMINA LEITAO SARPANCH VILLAGE PANCHAYAT ... Respondent

Mr. J. Godinho, Advocate for the petitioners.
Mr. M. P. Almeida, Advocate for the respondent.

Coram:- R. S. MOHITE, J.

Date:- 11th October, 2007

P.C.

This contempt petition is misconceived. Under an undertaking given by the ex-Sarpanch of the Village Panchayat to this Court in Writ Petition No.113/06, it was undertaken that the Panchayat will carry out the demolition of the illegal construction carried out by respondent No.6, in respect of which show cause notices dated 22.12.05 and 14.3.06 had been issued by the Village Panchayat, within six weeks.

2. The demolition has been carried out and in the affidavit-in-rely which is filed by the newly elected Sarpanch of the Panchayat it is mentioned that the offending room on rear side i.e. on the western side, the compound wall on the eastern side and the plinth of the garage have been demolished. It is stated further that the demolition was started on 14th August, 2007 and it continued till 16th August, 2007 and was completed on the said date. It is further placed on affidavit that the drainages on the northern and western side as well as on the southern side have been cleared. This affidavit indicates that the offending structures

have been demolished upto to the ground level. Removal of debris was not part of the undertaking. It is now contended that the the private party is again blocking the ingress and egress. This is a fresh cause of action. It is made clear that it will be open to the petitioners to file a separate suit against the private parties if they so desire. Petition disposed off.

R. S. MOHITE, J.

ssm.